

# BRADLEY MURCHISON KELLY & SHEA LLC

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David R. Taggart  
Partner

Shreveport Office  
direct: (318) 934-4014  
dtaggart@bradleyfirm.com

May 2, 2014

**VIA US MAIL, CERTIFIED, RETURN RECEIPT REQUESTED**

Allen Chang, Air Permits Section  
EPA  
Ariel Ross Building  
1200 Pennsylvania Avenue, NW  
Washington DC 20004

Re: Notice on behalf of Nucor Steel-Arkansas and Nucor-Yamato Steel Company of Demand for retention of documents, data and information pertaining or relating to Big River Steel, LLC

(Our File No. 12107-130523)

Dear Mr. Chang:

On behalf of Nucor Steel-Arkansas and Nucor-Yamato Steel Company (collectively "Nucor"), this letter is notice to you, as the representative of the Arkansas Department of Finance and Administration (the "Notified Party"), that the Arkansas Department of Finance and Administration is a potential witness in an action against Big River Steel, LLC ("Big River") which will be filed in the United States District Court in and for the Eastern District of Arkansas under the provisions of the Clean Air Act, 42 U.S.C. §§ 7604 *et seq.* (the "Citizen Suit"). It is Nucor's intent to commence the Citizen Suit against Big River for violations of Sections of the Clean Air Act, 42 U.S.C. §§ 7604 *et seq.*, the National Ambient Air Quality Standards (40 C.F.R. Part 50), the rules regarding Prevention of Significant Deterioration ("PSD") (40 C.F.R. § 52.21), and the rules regarding Title V Operating Permits (40 C.F.R. Part 70), all of which are part of the federally approved Arkansas State Implementation Plan ("SIP"), as well as Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101, *et seq.*, and administrative procedures and substantive rules of the Arkansas Pollution Control and Ecology Commission ("APC&EC"), including Regulation 8, the Arkansas State Implementation Plan (Reg. 19) and the Arkansas Operating Permit Program (Reg. 26). It is also Nucor's intent to seek injunctive relief against Big River as authorized by the Clean Air Act to prevent the commencement or continuation of any construction under Operating Air Permit No. 2305-AOP-R0 ("Permit") for the failure of Big River to comply with the relevant provisions of the Clean Air Act and the PSD provisions of 40 C.F.R. § 52.21, thus rendering the Permit invalid and void or voidable under the foregoing federal and state law.

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Accordingly, as a possible witness in the Citizen Suit, the Notified Party is hereby placed on formal notice that it is required to retain, maintain, protect and preserve all documents, data, and information which is or which may be relevant to the Citizen Suit related to Big River and the Permit. The possible relevant evidence that we can foresee at this time includes, but is not limited to, the following:

1. All documents referring, relating or pertaining to the steel mill project for which the Permit which is the subject of the Citizen Suit was issued;
2. All documents referring, relating or pertaining to Big River, David Stickler, John Correnti, Global Principal Partners, LLC, SMS Siemag, LLC, SMS Siemag AG, Steven Frey, Kennedy/Jenks Consultants, CV Engineering, and Arcadis U.S., Inc.;
3. All documents referring to the Arkansas Department of Environmental Quality ("ADEQ"), its employees, officers, or directors, and pertaining or relating to the Permit or Big River;
4. All documents referring, relating or pertaining to any air modeling done in connection with the preparation for the submission of permit application, including all input data, assumptions, algorithms and limitations;
5. All drafts of the output files or data for any and all air modeling done in connection with the proposed Big River project which is the recipient of the Permit which is the subject of the Citizen Suit;
6. All documents referring, relating or pertaining to any communications between the Notified Party and ADEQ;
7. All documents referring, relating or pertaining to any communications between any representative of Big River to the Notified Party relating to the proposed Big River project which is the recipient of the Permit which is the subject of the Citizen Suit;
8. All documents referring, relating or pertaining to any potential to emit air pollutants, as defined by the Arkansas Pollution Control and Ecology Commission Regulations 18, 19, and 26, from the proposed Big River project which is the recipient of the Permit which is the subject of the Citizen Suit;
9. All documents referring, relating or pertaining to any emission control devices, including manufacturer's performance data, assumptions, limitations and



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guarantees, considered or evaluated in connection with the proposed Big River project which is the recipient of the Permit which is the subject of the Citizen Suit;

10. All documents referring, relating or pertaining to any study, review, assessment or evaluation of the impact of the proposed Big River project which is the recipient of the Permit which is the subject of the Citizen Suit on the citizens of Mississippi County, Arkansas;
11. All documents referring, relating or pertaining to the Arkansas Economic Development Commission, the Arkansas Governor's Office, the Arkansas Teacher Retirement System, and the Arkansas Development Finance Authority;
12. All documents referring, relating or pertaining to any study, review, assessment or evaluation of the use of air monitors at any location other than Dyersburg, Tennessee;
13. All documents referring, relating or pertaining to any study, review, assessment or evaluation of the facilities or modes of transportation to be used by Big River to move raw materials into, and finished goods from, the proposed facility which is the subject of the Citizen Suit on the citizens of Mississippi County, Arkansas; and
14. All documents referring, relating or pertaining to any study, review, assessment or evaluation of the possible alternative sites for the proposed facility which is the subject of the Citizen Suit on the citizens of Mississippi County, Arkansas.

Examples of the types of documents that you should preserve and must continue to preserve include internal memoranda, draft documents, notes of any kind, correspondence (letters, faxes, telephone message books and slips, voice mails, e-mails), paper and electronic calendars or diaries, meeting minutes, phone logs, text messages, agreements, due diligence materials, financial or other analyses, reports, checks, invoices, bank statements, bank statement reconciliations, spreadsheets, databases, maps, press releases and employee communications, cell phone billing records, travel and/or expense reimbursements or receipts, invoice and payment records, microfiche, microfilm, tape or video recordings, photographs, and image files that relate to the foregoing matters.

If you have hard copies of any of these types of documents, or if you print them in the future, they should be preserved. Preserve all non-identical copies of relevant documents. For instance, if one copy contains notes or markings that distinguish that copy from other copies of the documents, each version is considered a separate document and must be

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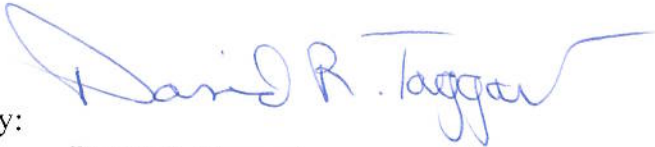
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preserved. Each draft of a document must be preserved. Similarly, databases, word processing and data files, or other types of electronic files or programs containing information about any of the foregoing matters must also be preserved. Finally, some less obvious sources of relevant information can be voice message systems, cell phones, fax transmittal logs and the memory of fax machines. It is incumbent upon you to diligently notify all potential repositories of such documents and to preserve them even if it means interrupting normal destruction or deletion protocols or procedures.

If you have any doubt as to whether a document or electronic file must be maintained to meet this document retention request, please do not hesitate to contact me.

Sincerely,

BRADLEY MURCHISON KELLY & SHEA LLC

By: 

David R. Taggart

DRT/nwm

cc: Mark H. Allison (via PDF email)

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Allen Chang, Air Permits Section  
EPA  
Ariel Ross Building  
1200 Pennsylvania Avenue, NW  
Washington DC 20004

## 2. Article Number

*(Transfer from service label)*

7014 0150 0002 2839 3492

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

x Carol Johnston

☐ Agent

☐ Addressee

## B. Received by (Printed Name)

Carol Johnston

## C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

## 3. Service Type

- ☒ Certified Mail® ☐ Priority Mail Express™  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ Collect on Delivery

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

Return Receipt